



# **U.S. House of Representatives Committee on the Judiciary**

## **F. James Sensenbrenner, Jr., Chairman**

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### ***News Advisory***

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## **Sensenbrenner Praises REAL ID Act's Inclusion in Supplemental Conference Report**

### ***Final Approval Expected by House Thursday and Senate Next Week***

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) praised the inclusion of his REAL ID Act (H.R. 418) legislation in the supplemental conference report filed last night. This final agreement is expected to pass the House Thursday and the Senate next week. The REAL ID contains vital border security provisions approved by the House in February and “strongly support[ed]” by the Bush Administration. These provisions were originally passed by the House last fall in the 9/11 Recommendations Implementations Act (H.R.10) but not included in the final version of the bill enacted in December.

Chairman Sensenbrenner stated, “This legislation is aimed at preventing another 9/11-type attack by disrupting terrorist travel and bolstering our border security. Giving drivers’ licenses that can be used as identification to anyone, regardless of whether they are here legally or whether we know who they really are, is an open invitation for terrorists and criminals to exploit. The REAL ID will help shut down ‘Smugglers Gulch’ along our border so law-abiding American citizens are better protected from terrorists, drug smugglers, alien gangs, and violent criminals seeking to operate in the U.S. The 9/11 Commission stated it well: ‘It is elemental to border security to know who is coming into the country.’”

“The REAL ID will also weed out fraudulent asylum applications made by people lying through their teeth. By ferreting out asylum fraud, the conference report strengthens our asylum system so those legitimately fleeing persecution are welcomed here. Finally, the REAL ID includes the common-sense provision that those ineligible to enter the U.S. on terrorism-related grounds should be eligible for deportation on those same grounds,” added Chairman Sensenbrenner.

## **Brief Highlights of the REAL ID (as included in the conference report):**

### **Strong security standards for the issuance of drivers' licenses**

- All states must require proof of lawful presence in the U.S. if their drivers' licenses are to be accepted as a form of identification to a federal official. The conference report clarifies that getting aboard a commercial airplane or entering a federal building or a nuclear power plant are among the official federal purposes. States must comply within 3 years of law's enactment.
- The agreement clarifies that states can issue a second tier of drivers' licenses (approach taken by Tennessee and Utah) that would not be valid for official federal purposes and that do not have to meet the issuance standards. The terms of these cards would be a maximum of one year.
- Temporary driver's license issued to a foreign visitor by a state must expire when the visitor's visa expires, with a maximum term of one year.
- **Does not create a national ID card or a national database.** Does compel the states to improve the data security of information that states already hold about their citizens, and requires the states to improve the physical security of the buildings where data is stored.

### **Asylum Reform**

- Tightens the asylum system abused by terrorists by allowing immigration judges to determine witness credibility in asylum cases. In assessing witness credibility, requires the trier of fact "[c]onsider[] . . . the totality of the circumstances, and all relevant factors." With respect to statements, the trier of fact is to "[c]onsider[] the circumstances under which the statements were made." Provides that corroborating evidence is not required if the applicant does not have the evidence and cannot reasonably obtain it.

### **Closing the 3-Mile Hole in the fortified U.S./Mexico Border Fence Near San Diego**

- Provides the Secretary of Homeland Security the ability to waive laws necessary to complete border fences and roads to improve national security. Allows for Federal judicial review of Secretary's actions, but only for constitutional claims such as takings of private property.

### **Inadmissability and Deportation of Terrorists**

- Ensures all terrorism-related grounds of inadmissability to the U.S. are grounds for deportation from the U.S. Conference report allows the Secretary of State or the Secretary of Homeland Security to waive some of the new grounds of inadmissability. Congress must be given periodic updates on who receives waivers.

### **Judicial Review of Removal Orders**

- Provides reforms to ensure the prompt removal from U.S. of terrorists and criminal aliens, after the proper judicial review. By restoring judicial review to its former, settled forum, all aliens ordered removed by an immigration judge will be able to appeal to the Board of Immigration Appeals and then raise constitutional and legal challenges to the circuit court, the second-highest courts in the U.S.

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